

Notice of Allowability

Application No.

09/997,048

Examiner

Tim Bonura

Applicant(s)

BUECHNER ET AL.

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2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/29/2001.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 29 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

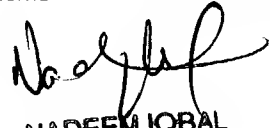
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/29/2001
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 08/26/2004
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


NADEEM IQBAL
PRIMARY EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with William Roch on 08/26/2004.
3. The application has been amended as follows:
 - a. Regarding claim 11, please replace the complete text of the claim with the following: "A computer readable medium on which computer readable instructions are stored for implementing the method according to claim 1."

Allowable Subject Matter

4. Claims 1-20 are allowed.
5. The following is an examiner's statement of reasons for allowance:
6. Regarding claim 1 and 12:
 - b. The prior art of record teach of a system with method and apparatus for analyzing the performance of a data processing system. The prior art of record discloses a system in which hardware and data structures can be analyzed and design structures and be tested for malfunctions for performance analysis. One such example of the prior art is Kaler, et al, U.S. Patent Number 6,467,052. The prior art of record, however, fails to teach singly or in combination with another

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prior art at least the limitation of "associating each traced computer system operation with its own individual and dedicated, event-triggered, operation graph finite state machine which contains the complete specification of legal computer system operation state transitions, and which monitors the plurality of functional units to trace the path of that traced computer system operation through the computer system." In the examiners opinion, the subject matter sought to be patented as recited in the claims in the application has practical application in the filed of data processing system.

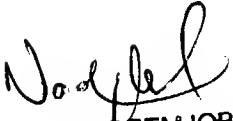
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tim Bonura**.
 - The examiner can normally be reached on **Mon-Fri: 8:30-5:00**.
 - The examiner can currently be reached at: **703-305-7762**. On or after October 15, 2004 the examiner can be reached at: **571-272-3654**.
- If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, **Rob Beausoliel**.
 - The supervisor can be reached on **703-305-9713**.

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- The fax phone numbers for the organization where this application or proceeding is assigned are:
 - **703-872-9306 for all patent related correspondence by FAX.**
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
- Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is: **703-305-3900.**
- Responses should be mailed to:
 - **Commissioner of Patents and Trademarks**
P.O. Box 1450
Alexandria, VA 22313-1450


NADEEM IQBAL
PRIMARY EXAMINER
tmb

August 26, 2004

Tim Bonura
Examiner
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